

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Milari Madison
Appeal No. 07-10

Hearing Date: February 15, 2008

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

Milari Madison ("Ms. Madison"), a resident of Loudoun County, appeals the suspension of a demolition permit under the Virginia Uniform Statewide Building Code (the "USBC"). The demolition permit was obtained by Ms. Madison in February of 2006 and was to demolish an older vacant house she owned at 40153 Janney Street.

The bulk of the demolition of the house took place on December 6, 2006 by using a back-hoe to push the wooden portion of the house in on itself leaving the debris in the basement and crawlspace area of the house. The foundation walls remained.

In June of 2007, in investigating a complaint concerning the property, the Loudoun County USBC official (the "building official") conducted an inspection at the site and by letter on July 9, 2007, advised Ms. Madison that the demolition permit had become invalid since work on the site had been abandoned for over six months.

Ms. Madison appealed the building official's decision to the Loudoun County Board of Building Code Appeals, which heard her appeal on August 9, 2007 and ruled to uphold the building official's decision. Ms. Madison further appealed to the Review Board.

III. FINDINGS OF THE REVIEW BOARD

USBC § 110.6 states in pertinent part that "[a]ny permit shall become invalid if ... the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work[.]" The record evidences that the demolition took place on December 6, 2006. The building official submitted pictures of the site taken on January 30, 2007 and again on June 14, 2007, which evidenced that no work had been performed at the site for approximately six months. Additional pictures and evidence provided by the building official indicated that no further work was done until approximately August 3, 2007, when the debris was removed from the foundation and it was filled with soil.

Therefore, based on the evidence and testimony presented, the building official's action in suspending and invalidating the demolition permit in accordance with § 110.6 of the USBC is the correction application of the USBC to the situation.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the building official in suspending and invalidating Ms. Madison's demolition permit to be, and hereby is, upheld.

The appeal is denied.

/s/*

Chairman, State Technical Review Board

June 20, 2008

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

***Note: The original signed final order is available from Review Board staff.**